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Remarks

Status of Claims:

Claims 10-20 and 22-26 stand rejected. Claims 14, 16, and 22 are amended. Claims 17-20 are canceled. Claims 10-20 and 22-26 remain pending.

Support for the claims is found in the specification and drawings as filed, including but not limited to page 9, lines 4-12. No new matter is added.

§102 Rejections

Claims 10-11, 14, and 22-26

Claims 10-11, 14, and 22-26 are rejected as anticipated by US 3,643,653 (Takahashi). It is respectfully urged that this rejection is improper for at least the following reasons.

Claim 10 recites, among other things:

wherein an outer surface of the handle is sized and shaped to be gripped by a single hand and wherein the actuator is disposed on the handle to be operated by the same hand holding the handle without the use of the thumb or index finger of the same hand, while the thumb and index finger of the same hand are free to grip and advance the flexible member.

It is respectfully urged that the Examiner's rejection of Claim 10 is improper because the Examiner has "read into" Takahashi more than Takahashi actually teaches.

First, Claim 10 also recites an actuator disposed on the handle to be operated by the same hand holding the handle. The Examiner has not provided any support for the Examiner's position that the knob 36 of Takahashi is disposed on the control housing 12 in any particular manner (other than as shown in the Figure), and in particular, the Examiner points to nothing in Takashi that

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would teach or suggest that the knob 36 of Takahashi could be operated by the same hand holding the control housing.

For instance, based on the configuration shown in Figure 12 of Takahashi, it would appear that if one grasped the control housing 12 with a single hand, the palm of that hand would need to be positioned away from fiber optic component 22 extending from the bottom of the housing 12, toward the top of the housing 12. However, with the palm of the hand on top of the housing 12, the knob 36 would be covered by the palm of the hand, in which case the knob could not be operated with the hand (See for instance column 6, lines 13-28 of Takahashi regarding operation of the knob 36). The Examiner is respectfully requested to explain how Takahashi's device would even be capable of being operated in the fashion the Examiner suggests.

Second, assuming for the sake of argument that Takahashi's control housing 12 could in some fashion be held in a single hand and the knob 36 operated with the same hand, the Examiner has not provided any explanation of how the knob 36 could be operated without using the thumb or index finger. Again, the Examiner is requested to consider column 6, lines 13-28 of Takashi regarding how knob 36 is shifted. Claim 10 requires that the actuator is disposed on the handle such that the actuator can be operated by the same hand holding the handle and without the use of the thumb or index finger of the same hand.

Third, Claim 10 also requires that the actuator is disposed on the handle such that actuator can be operated without the use of the thumb or index finger, while the thumb and index finger of the same hand are free to grip the flexible member. It is respectfully urged that based on Takahashi's description, it does not seem possible to hold housing 12, operate knob 36 with same hand, and grip the flexible tube 14 with the thumb and index finger of the same hand... little less any teaching or suggestion to that effect.

The Examiner cites Ex part Marsham for the proposition that a recitation with respect to the manner in which a claimed apparatus is intended to be used does not differentiate the claim from art satisfying the claimed structural limitations. It is respectfully urged that the Applicant is not

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relying on intended use. Instead, Claim 10 recites the actuator is disposed on the handle in such a way that is not taught and not suggested by Takahashi, and the rejection should be withdrawn.

Claim 14:

Claim 14 has been amended to more clearly point out the distinction of Claim 14 over Takahashi. It is respectfully urged that Takahashi's control housing 12 does not provide an outer surface tapered intermediate the maximum width dimension and each of the proximal and distal ends such that the outer surface has a relatively smaller width dimension at each of the proximal and distal ends.

Claim 22:

The Examiner rejects claim 22, stating that Takahashi discloses an actuator 19 for operating an end effector 18 through a flexible member, and a release 36. It is respectfully urged that this is not a correct characterization of Takahashi.

First, as explained above with respect to Claim 10, Takahashi fails to teach or suggest an actuator adapted to be operated by the same hand holding the handle and without use of the thumb or index finger of the same hand.

Second, Takahashi discloses that actuation of adjusting knob 19 permits moving a lens barrel 17 and focusing the objective lens system. (See column 3, lines 70 through column 4, line 10). It is respectfully urged that Takahashi does not teach that knob 19 is an actuator for operating an end effector.

Third, it is respectfully urged that element 18 in Takahashi is a wire, not an end effector. Col 3, lines 73-75 states "The rearward end of the wire 18 is operably connected to an adjusting knob 19...." Takahashi goes on to explain the wire 18 is pulled or pushed in order to permit focusing

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of the objective lense system. Accordingly, wire 18 is not properly characterized as an end effector.

Fourth, Claims 22 is amended to recite the release is operatively associated with the end effector. Therefore, even if one assumes the Examiner is correct in construing Takahashi's knob 19 to be an actuator, knob 36 to be a release, and wire 18 to be an end effector, the rejection would still be improper because Takahashi's knob 36 is not operably associated with wire 18.

Claim 23:

Claim 23 recites the release is disposed at a first end of the handle and the elongate flexible member extends from a second, opposite end of the handle. It is respectfully urged that the Examiner has not addressed this claim limitation. Further, assuming that knob 36 is a release, as the Examiner suggests, it is respectfully urged the knob 36 is not disposed at a first end of control housing 12 of Takahashi such that tube 14 extends from a second, opposite end of the housing 12. Accordingly, the rejection should be withdrawn.

Claim 25:

Claim 25 recites the actuator is operable for closing the end effector and the release is operable for opening the end effector. It is respectfully urged that the Examiner has not addressed all the elements of Claim 25. In particular, the Examiner has not explained how knob 19 (actuator per Examiner) closes the wire 18 (end effector per examiner) or how the knob 36 (release per examiner) opens the wire 18. Withdrawal of the rejection is requested.

Claim 26:

It is respectfully urged the Examiner's rejection does not address the ratchet mechanism recited in Claim 26. Withdrawal of the rejection is requested.

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Rejections under 35 USC 103

Claim 15 recites a lever adapted to be squeezed between fingers of the same hand and a housing portion of the handle, and wherein the lever is pivotably supported adjacent an end of the handle associated with the flexible member.

The Examiner combines Stone with Takahashi to provide an "alternate actuator". However, even if one combines Stone with Takahashi, as the Examiner suggests, it is respectfully urged the combination would not make the claim unpatentable. That is because even if one were to connect the handles 34 of Stone to the device of Takahashi, there would still be no teaching with respect to having the handles 34 of stone pivoted as recited in claim 13, adjacent an end of the handle associated with a flexible member.

Conclusion

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance.

Respectfully submitted,

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